

REVISED REZONING REPORT *

CASE NUMBER: Z-01-20

APPLICANT: Jeffrey & Renee Warren

AGENT: Harper County

REQUEST: Proposed change of zoning district classification from the I-1 Light Industrial District to the A-2 Agricultural District.

CASE HISTORY: Case Z-12-06 was heard by the Planning Board on June 19, 2012 and approved by Resolution 2012-21 by the Board of County Commissioners on July 10, 2012 to change from A-2 Agricultural District to I-1 Industrial District.

LOCATION: A tract of land, near the corner of NE 100th Ave and KS Hwy 44, on the north side of KS Hwy 44, approximately 9 miles east of Anthony, Kansas. Address: 1026 E KS Hwy 44, Freeport, KS 67049

SITE SIZE: 5 acres more or less

PROPOSED USE: Single-family dwelling in A-2 Agricultural District

ADJACENT ZONING AND EXISTING LAND USE:

North: A-2 Agricultural District – Agricultural land

South: A-2 Agricultural District – Agricultural land and single-family dwelling

East: A-2 Agricultural District – Agricultural land

West: A-2 Agricultural District – Agricultural land

- * **NOTE:** This report is to assist the Planning Board to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Board's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This property is located along Highway 44. In 2012, the property owner changed the zoning district to I-1 Light Industrial District to accommodate a trucking business for the oil industry. It is no longer used as such and one of the conditions stated that the property owner and/or County was to initiate a case to rezone the property back to the previous zone.

(See attached aerial photo.)

FACTORS AND FINDINGS:**

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood? ***(See existing land use on page 1 of 4.)***

This property is a Single-Family Dwelling

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification?

> *I-1 Light Industrial District. The surrounding area is zoned as A-2 Agricultural District.*

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?

> *No.*

4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

> *No.*

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

> *The change is required per Condition #2 attached to Resolution 2012-21.*

**** NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

6. Do adequate sewage disposal and water supply and all other necessary public facilities including road or street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?

> ***The existing dwelling has adequate sewage disposal and water supply.***

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?

> ***No.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?

> ***No. Screening would not be necessary.***

9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?

Yes. However, this is a zone change to the original zoning district required by condition #2 Resolution 2012-21.

10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***No. This is a family dwelling that is allowed in the A-2 Agricultural District***

11. Is the subject property suitable for the current zoning to which it has been restricted?

> ***No. In the I-1 Light industrial District, dwellings are not allowed.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***There would be no detrimental effect to other property as it is A-2 Agricultural in the surrounding area.***

13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

> ***Yes, by rezoning to the A-2 Agricultural District, it would permit the dwelling to continue.***

14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- > ***The Comprehensive Development Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020 encourages industrial land use closer to the cities and a harmonious development for the county.***
15. What is the nature of the support or opposition to the requested change in zoning?
- > ***No public was present.***
16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?
- > ***No.***
17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?
- > ***By not approving the change in zoning there would be considerable hardship, as the property could not continue as a dwelling.***

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

cc: Applicant
Agent